

**BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2022-_____-C**

Application of Fusion Cloud Services, LLC)
for Authority to Discontinue Provision of)
Certain Telecommunications Services and)
Related Features) **APPLICATION**

Fusion Cloud Services, LLC (“Fusion Cloud” or the “Company”) hereby seeks authorization, pursuant to S.C. Code Annotated Section 58-9-300, to discontinue its provision of certain telecommunications services to particular customers as described herein. The specific Fusion Cloud services and associated features being discontinued are certain Digital Signal 1 (“DS-1”), Digital Subscriber Line (“DSL”), and voice telephony services provided to particular carrier customers in South Carolina (collectively, the “Services”).¹ At this time, Fusion Cloud plans to discontinue its provision of the Services to a) one carrier customer effective June 1, 2022; and b) two additional carrier customers (together with the carrier customer referenced in (a), the “Carrier Customers”) effective June 29, 2022, or as soon thereafter as the necessary regulatory approvals are obtained.

On November 12, 1999, the Commission granted Access Integrated Networks, Inc., Fusion Cloud’s predecessor in interest, a certificate of public convenience and necessity to provide local exchange and interexchange services in South Carolina. (Order No. 1999-801 in Docket No. 1999-323-C).²

¹ Fusion Cloud has no end-user customers for the Services at this time.

² The Company subsequently operated in South Carolina as Birch Communications, Inc. (and following a corporate conversion, as Birch Communications, LLC) until its name was changed

The Proposed Discontinuance

Due to a substantial increase in the price of various legacy carrier services purchased by Fusion Cloud from incumbent local exchange carriers (“ILECs”), the Company and its operating affiliates have determined that it is no longer economically viable to purchase the underlying services from the ILECs and provide the Services to wholesale and end-user customers in South Carolina and nine other states.³ As a result of the ILEC pricing changes, earlier this year, Fusion Cloud advised those of its wholesale customers receiving the Services in South Carolina that it would be discontinuing the Services and began discussions with those carrier customers regarding the migration of the Services to an alternative wholesale offering. In the course of those discussions, two of the Carrier Customers advised Fusion Cloud that they did not want to move to the alternative services offered by the Company and would secure replacement services from other sources and the additional Carrier Customer advised the Company that it would only move certain of the Services to alternate Fusion Cloud offerings. Inasmuch as Fusion Cloud’s deadline for shutting down its network in South Carolina is nearing and the Carrier Customers have not yet migrated the Services to an alternative service provider, Fusion Cloud submits this request for approval to discontinue the Services to the Carrier Customers should they not migrate as planned prior to June 1, 2022 and June 29, 2022, as applicable.

The proposed discontinuance will not result in material harm to the affected customers because they can obtain alternative services from Fusion Cloud or other service providers,

to Fusion Cloud Services, LLC in 2019. See Docket No. 1999-323-C, Directive Order (Jul. 17, 2019).

³ In addition to South Carolina, the proposed discontinuance involves affiliated Fusion operating companies in Alabama, Florida, Georgia, Kansas, Texas, Mississippi, Missouri, North Carolina, Tennessee and Texas.

including wireless carriers or a host of other alternative providers such as interconnected voice over Internet protocol providers.

Fusion Cloud provides the following information in support of its application:

1. Name and Address of Carrier: Fusion Cloud Services, LLC is located at 210 Interstate North Parkway, Suite 200, Atlanta, GA 30339.
2. Date of Planned Service Discontinuance: Fusion Cloud plans to discontinue its provision of the Services to those customer groups described above, effective on a) June 1, 2022; and b) June 29, 2022 (as applicable), or as soon thereafter as approval in this case can be obtained.
3. Points of Geographic Areas of Service Affected: Fusion Cloud proposes to discontinue the provision of the Services in the specific (urban and suburban) areas where the affected customers are being served.
4. Brief Description of Type of Service Affected: The Services affected by this discontinuance consist of DS-1, DSL, and voice telephony services provided to particular carriers.
5. Brief Description of the Dates and Methods of Notice to All Affected Customers: Fusion Cloud provided written notice to the Carrier Customer affected by the June 1, 2022 discontinuance date on March 24, 2022, via UPS. Fusion Cloud provided written notice to the two Carrier Customers affected by the June 29, 2022 discontinuance date, via UPS, on March 23, 2022. A sample of the notice sent to these customers is attached hereto as **Attachment A**. Fusion Cloud has also filed (or is filing) applications with the Federal Communications Commission ("FCC"), pursuant to 47 C.F.R. § 63.71, for approval of the proposed discontinuances, and, as required by FCC Rules, is providing a copy of those applications to the governors and state commissions in

each of the affected states and territories. A copy of Fusion Cloud's FCC application was filed with the Commission on April 21, 2022 in ND-2022-23-C.

6. Brief Description of Number of Customers Affected: The most recent information available to Fusion Cloud is that there are three (3) Carrier Customers who receive the Services in South Carolina and will be subject to discontinuance.

7. Effect of Discontinuance. Fusion Cloud is seeking authority solely to discontinue the Services to the customers described herein. The Company intends to continue offering and providing other services to customers in South Carolina. *Consequently, Fusion Cloud is not requesting by this application that the Commission cancel its certificate of public convenience and necessity to provide local exchange and interexchange services granted in Order No. 1999-801 in Docket No. 1999-323-C, or indeed any certificate held by Fusion Cloud.*

The public convenience and necessity will not be adversely affected by the discontinuance of the Services and features in question. All customers have been provided notice that affords them ample time to acquire one of the many substitute services that are available to them. As has been explained to the Carrier Customers, alternative services may be available from Fusion Cloud. Additionally, the Carrier Customers have access to other contractual provisioning arrangements from other service providers. Fusion Cloud, therefore, respectfully requests Commission approval of this Application, and for such other relief as is just and proper.

Respectfully submitted,

Fusion Cloud Services, LLC

s/John J. Pringle, Jr.

John J. Pringle, Jr.

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May 4, 2022



210 Interstate North Parkway, Suite 200
Atlanta, Georgia 30339
www.fusionconnect.com

March 23, 2022

[REDACTED]
Acct Nos. (See attached Schedule 1)

**IMPORTANT NOTICE:
DISCONTINUANCE OF WHOLESALE COPPER-BASED DS-1, DSL AND POTS SERVICES
PROVIDED BY FUSION CLOUD SERVICES, LLC OR FUSION TELECOM OF TEXAS,
LTD., L.L.P. IN THE STATES OF
ALABAMA, FLORIDA, GEORGIA, KANSAS, MISSOURI, MISSISSIPPI, NORTH CAROLINA,
SOUTH CAROLINA, TENNESSEE AND TEXAS
SCHEDULED FOR JUNE 29, 2022**

Dear [REDACTED]

Fusion Cloud Services, LLC and Fusion Telecom of Texas, Ltd., L.L.P. ("we" or "us" or "our") regret to inform you that, starting at noon on June 29, 2022 (the "Service Termination Date"), we will be discontinuing the provision of all of the copper-based DS-1, DSL and POTS services that you purchase from us in any of our central offices located the states of **Alabama, Florida, Georgia, Kansas, Missouri, Mississippi, North Carolina, South Carolina, Tennessee and Texas** (the "Affected Locations").¹ The specific accounts impacted are listed in Schedule 1 hereto. The discontinuance of services at the Affected Locations is occurring due to changing economic conditions and the fact that the current costs to provide services from the associated central offices is no longer economically viable (see the section titled "Network Audit" in your wholesale contract with us).

In order to avoid a disruption in your customers' services at the Affected Locations, you must make arrangements to transition all of those services to a new wholesale service provider before the Service Termination Date.

If you do not arrange to transition your end user customers to a new underlying service provider prior to the Service Termination Date, your end user customers will experience a loss of service. **Specifically, if you currently resell our voice service at the Affected Location, your customers will be unable to make local calls, including 911 emergency calls and will lose any long distance service that they currently enjoy.** Your customers will also lose any data services that they may have at the Affected Locations.

1. For Affected Locations in North Carolina, effective with this notice and pursuant to state law, we will no longer make changes to, reconnect or accept new orders for the service to be discontinued.

We urge you not to delay in arranging for new underlying services with a new wholesale service provider. As you know, some carriers may require several weeks or months to install new services.²

We value you as an industry partner and we remain committed to ensuring that your service transition is as smooth as possible. If you have any further questions regarding the discontinuance of our wholesale services at the Affected Locations, please contact Customer Service at (888) 635-2221.

Sincerely,

Fusion Cloud Services, LLC and Fusion Telecom of Texas, Ltd., L.L.P.

The Federal Communications Commission requires us to provide you with the following notice:

The FCC will normally authorize this proposed discontinuance of service unless it is shown that customers would be unable to receive service or a reasonable substitute from another carrier or that the public convenience and necessity is otherwise adversely affected. If you wish to object, you should file your comments as soon as possible, but no later than 15 days after the Commission releases public notice of the proposed discontinuance. You may file your comments electronically through the FCC's Electronic Comment Filing System using the docket number established in the Commission's public notice for this proceeding, or you may address them to the Federal Communications Commission, Wireline Competition Bureau, Competition Policy Division, Washington, DC 20554, and include in your comments a reference to the § 63.71 Application of **Fusion Cloud Services, LLC and Fusion Telecom of Texas, Ltd., L.L.P.** Comments should include specific information about the impact of this proposed discontinuance upon you or your company, including any inability to acquire reasonable substitute service.

2. This notice also puts recipient wholesale customer on notice, unless they make adequate alternative arrangements to ensure uninterrupted services to their end-user customers, as to the need for timely compliance with their obligations pursuant to the applicable service discontinuance-related regulations in each state (e.g., in North Carolina, the NCUC's Rule 21-4; in Tennessee, the PUC's Rule 12-20-04-02-.40).

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Certain Telecommunications Services and)	
Related Features)	

This is to certify that I have caused to be served this day, one (1) copy of the Application of Fusion Cloud Services, LLC via electronic mail service as follows:

Alexander W. Knowles Donna L. Rhaney Office of Regulatory Staff 1401 Main Street, Suite 900 Columbia SC 29201 aknowles@ors.sc.gov drhaney@ors.sc.gov	Carri Grube Lybarker Roger P. Hall Conor J. Parker South Carolina Department of Consumer Affairs 293 Greystone Blvd., Suite 400 Post Office Box 5757 Columbia, SC 29250 clybarker@scconsumer.gov rhall@scconsumer.gov cjparker@scconsumer.gov
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s/ John J. Pringle, Jr.
John J. Pringle, Jr.